

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

DAVID WADE

§

VS.

§ CIVIL ACTION NO. 1:05cv260

MARUCHAN, INC.

§

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff David Wade, proceeding *pro se*, filed the above-styled lawsuit against Maruchan, Inc.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

Plaintiff filed a motion asking that this case be dismissed. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends plaintiff's motion be granted and this action dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are

correct and the report of the magistrate judge is **ADOPTED**. Plaintiff's motion to dismiss is **GRANTED**. A final judgment will be entered dismissing this case pursuant to Federal Rule of Civil Procedure 41(a).

SIGNED at Beaumont, Texas, this 7th day of June, 2005.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE